

TRANSMITTAL OF APPEAL BRIEF (Small Entity)

Docket No.
K1023

In Re Application Of: Luis M. Ortiz, et al.

SEP 09 2005

Application No.

09/708,776

Filing Date

11/08/2000

Examiner

Gesesse, Tilahun

Customer No.

Group Art Unit

2684

Confirmation No.

2526

Invention: Providing Multiple Perspectives for a Venue Activity Through an Electronic Hand Held Device

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for filing this Appeal Brief is: \$250.00

☒ A check in the amount of the fee is enclosed.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☐ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No.☐ Payment by credit card. Form PTO-2038 is attached.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPELLANTS: Luis M. Ortiz et al. EXAMINER: Gesesse, Tilahun
SERIAL NO.: 09/708,776 GROUP: 2684
FILED: 11/08/2000 DOCKET: K1023

TITLE: PROVIDING MULTIPLE PERSPECTIVES FOR A VENUE ACTIVITY
THROUGH AN ELECTRONIC HAND HELD DEVICE

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APPELLANTS' APPEAL BRIEF UNDER C.F.R. §1.192

I. REAL PARTY IN INTEREST

Luis M. Ortiz and Kermit D. Lopez are co-inventors of and also the real parties in interest in the present invention. Messrs Ortiz and Lopez are the "Appellants" entitled to bring forward this appeal.

II. RELATED APPEALS AND INTERFERENCES

U.S. Application Serial No. 09/902,348, filed 7/10/2001.

III. STATUS OF CLAIMS

The application was originally filed with 35 claims. In the first office action dated December 15, 2003, claims 1-35 were rejected. Appellants responded on 12/29/2003 to the first office action with amendment in which original claims 1, 12-15, 17-19, and 29-35 were amended. In a second office non-final action dated 3/18/2004, claims 1-35 were again rejected. On June 18, 2004, Appellants amended claims 1, 11-13, 16-17, 19, 21, 25, 27-28, and 30-35, cancelled claims 9, 18, 20 and 29, and added claims 16-40.

In a third, FINAL, office action dated June 30, 2005, claim 1-8, 10-17, 19, 21-25, 27, 28 and 30-40 were rejected. Appellant Luis Ortiz held a telephonic interview with Examiner on August 10, 2005, wherein the cited art was distinguished from Appellants' claims and proposed amendments were also discussed. In response to the final action Appellants submitted remarks, cancelled claims 8 and 10, and also provided amendments after final to claim 1, 16, 17 and 33, which Appellants believed could advance prosecution of the case given the telephonic interview with Examiner Gesesse.

In an Advisory Action dated 8/26/2005, Examiner denied entry of the proposed amendments and maintained the rejection of claims 1-8, 10-17, 19, 21-25, 27-28, and 30-40.

IV. STATUS OF AMENDMENTS

In an Advisory Action dated 8/26/2005, Examiner denied entry of the proposed amendments and maintained the FINAL rejection of claims 1-8, 10-17, 19, 21-25, 27, 28, and 30-40.

The amendment of claims 1, 11-13, 16, 17, 19, 21, 25, 27, 28, and 30-35 and new claims 36-40 by Appellants prior to the Final office action are the claims that are now the subject of the appeal. Claims 1-8, 10-17, 19, 21-25, 27, 28, and 30-40 remain pending in the appealed application.

The final rejection of claims 1-8, 10-17, 19, 21-25, 27, 28, and 30-40 is the subject of this appeal.

V. SUMMARY OF INVENTION

The Appellants' invention is used in the field of "entertainment". The claimed invention is for methods and systems that enable the capture of live venue-based data including simultaneous transmission of viewable video images for RF transmission to hand held devices and that enable real-time viewing/display of video images on displays associated with hand held devices. An important aspect of Appellants' invention is simultaneous transmission for viewing of more than one video image captured by cameras at an entertainment venue on a single display associated with hand held devices. Another important aspect of Appellants' invention is also simultaneous viewing of more than one video image captured by cameras at an entertainment venue on a single display associated with hand held devices.

Simultaneous transmission of video data to, processing of video data by, and simultaneous display of video data by a hand held device has been clearly established throughout Appellants' patent application specification as originally filed and has been reiterated as an important aspect throughout the prosecution history (see claims 10, 12, 17, 19, 28, 33 and 35 as amended June 18, 2004).

The invention as claimed and explicitly defined in the specification enables the capturing of video images from more than one perspective of a venue-based activity using more than one video camera and processing of the video images into venue-based data formatted for wireless transmission via a wireless communications for display at the venue by more than one hand held device including a display screen adapted for simultaneously viewing more than one perspective of venue-based data captured by more than one video camera. FIG. 5 of Appellants' specification is shown below to illustrate a scenario wherein Appellants' hand held device 60 is able to display images captured at a sports venue by cameras C₁, C₂, C₃ and C₄. The images are wirelessly received through a wireless data transmitter/receiver 110. A server 100 is shown as receiving captured images as data (D₁, D₂, D₃ and D₄) in order to format the data for display at on a display screen 61 provided as part of the hand held device 60.

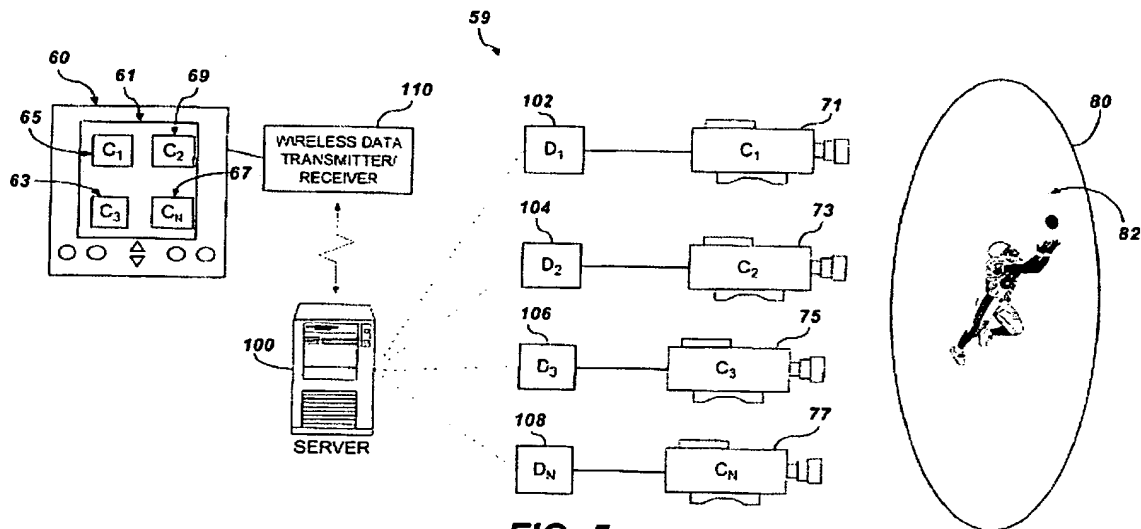
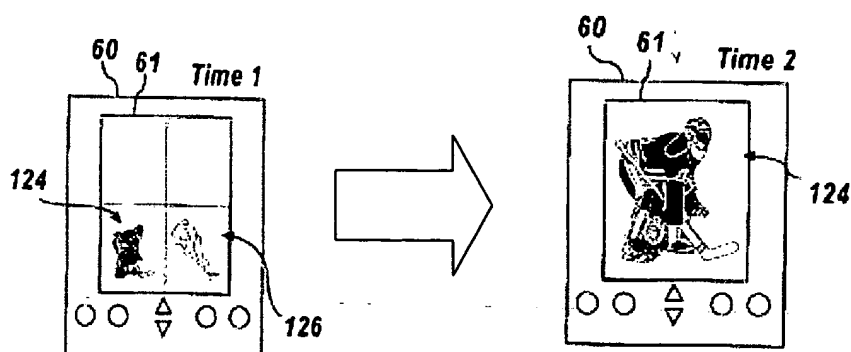


FIG. 5

The invention as claimed and explicitly defined in the specification also provides that data displayed on the hand held device can include simultaneous video ($C_1 - C_N$) captured by cameras at a venue, instant replay video data, promotional information, and advertising information.

The invention as claimed and explicitly defined in the specification also provides that a user can have a hand held device display a single video perspective on the display screen following a user selection of the single video perspective at the user interface displaying the processed data including simultaneous video images 124 and 126 on the display screen 61 as shown below in the examples of Time 1 and Time 2 taken from FIG. 7 of Appellants' specification, in response to user input through a user interface 61 (e.g., touch sensitive-enabled display) associated with the hand held device 60.



"Hand held devices" used in the invention as claimed and explicitly defined in the specification can include PDAs, hand held televisions and data-enabled wireless telephones having an integrated display screen. Hand held devices are described in Appellants' specification at pages 19-28. At lines 16-18 of the specification a hand held device is described as being "held by a user at a stadium seat within view of the activity at the venue." In the technical field of the invention, Appellants state that the present invention is related to "wireless electronic hand held devices, such as Personal Digital Assistants (PDAs), hand held televisions, and data-enabled wireless telephones. (See page 1, lines 17-20.)

"Venues" and *"entertainment venue"* are defined by Appellants to collectively refer to "modern stadiums and live entertainment facilities or arenas" on the first page of the application, lines 21-33. In fact, the Appellants state in the technical field of the invention (page 1, lines 22-25) that the present invention relates to techniques for providing increased viewing opportunities for audiences in venue environments, such as stadiums and concerts arenas." Claims 36-40 also define an entertainment venue to include at least one of a: football stadium, soccer stadium, boxing arena, wrestling arena, car racing stadium, horse racing stadium, golf, concert hall.

"Data" is specified in the claims as including: "video streaming simultaneously from more than one visual perspective within an entertainment venue" (Claim 1), "more than one video perspective streaming simultaneously from more than one video camera located within an entertainment venue" (Claim 16), "more than one video perspective" (Claim 19), "more than one video stream from more than one visual perspective transmitted from more than one venue-based data source" (Claims 33 and 34).

"Simultaneous" as referred to in the claims in the context of "video streaming simultaneously from more than one visual perspective within an entertainment venue" means that more than one video image is received, processed and viewed at the same time on a single display associated with a hand held device as described throughout Appellants' specification and as shown in Appellants' Figure 7.

VI. ISSUES

ISSUE #1 - Whether independent claims 1, 16, 19, 33 and 34 are anticipated by Stranswitz et al., "Strandwitz" (US 6,522,352).

ISSUE #2 - Whether independent claims 17 and 35 are anticipated by Mann et al., "Mann" (CA 2,237,939).

VII. GROUPING OF CLAIMS

Seven (VII) groups of claims are being appealed as follows:

GROUP I CLAIMS:

Group I consists of claims 1-8, 10-15 and 36. Claim 1 is independent. Claims 2-8, 10-15 and 36 stand or fall with independent claim 1.

Independent claim 1 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Strandwitz et al., "Strandwitz" (U.S. Patent No. 6,522,352).

GROUP II CLAIMS:

Group II consists of claim 16 and 37. Claim 16 is independent. Claim 37 stands or falls with independent claim 16.

Independent claim 16 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Strandwitz et al., "Strandwitz" (U.S. Patent No. 6,522,352).

GROUP III CLAIMS:

Group III consists of claims 17 and 38. Claim 17 is independent. Claim 38 stands or falls with independent claim 17.

Independent claim 17 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Mann (CA 2,237,939).

GROUP IV CLAIMS:

Group IV consists of claims 19, 21-25, 27-28, 30-32 and 39. Claim 19 is independent. Claims 21-25, 27, 28, 30-32 and 39 stand or fall with independent claim 19.

Independent claim 16 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Strandwitz et al., "Strandwitz" (U.S. Patent No. 6,522,352).

GROUP V CLAIMS:

Group V consists of independent claim 33.

Independent claim 33 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Strandwitz et al., "Strandwitz" (U.S. Patent No. 6,522,352).

GROUP VI CLAIMS:

Group VI consists of independent claims 34.

Independent claim 34 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Strandwitz et al., "Strandwitz" (U.S. Patent No. 6,522,352).

GROUP VII CLAIMS:

Group VII consists of claims 35 and 40. Claim 35 is independent. Claim 40 stands or falls with claim 35.

Independent claim 35 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Mann (CA 2,237,939).

VIII. ARGUMENT

APPLICABLE LEGAL STANDARD

The relevant statute cited in rejecting Appellants' claims is 35 U.S.C. §102, Conditions for patentability; novelty and loss of right to patent. Sections (a) and (e) are the basis of the rejections rendered by the examiner. Under 35 U.S.C. §102, sections (a) and (e) a person is be entitled to a patent unless:

(a) - the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for patent, or

.....

(e) - a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language...

The Commissioner of Patents and Trademarks, acting through examining officials, bears the initial duty of supplying the factual basis supporting a rejection of a patent application, including a rejection based on anticipation. *In re Warner*, 379 F.2d 1011, 154 USPQ 173, 178 (C.C.P.A. 1967), *cert. denied*, 389 U.S. 1057 (1968). The courts have interpreted this initial duty as placing on the Commissioner and the examiner the burden of presenting a *prima facie* case of anticipation. *See In re King*, 801 F.2d 1324, 1327, 231 USPQ 136, 138-39 (Fed. Cir. 1986); *In re Wilder*, 429 F.2d 447, 450, 166 USPQ 545, 548 (C.C.P.A. 1970). As stated by the Board in *In re Skinner*, 2 USPQ 2d 1788, 1788-9 (B.P.A.I. 1986), "[i]t is by now well settled that the burden of establishing a *prima facie* case of anticipation resides with the Patent and Trademark Office."

A general definition of *prima facie* unpatentability is provided at 37 C.F.R. §1.56(b)(2)(ii):

A *prima facie* case of unpatentability is established when the information *compels a conclusion* that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before

any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability. (Emphasis added.)

"Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W.L. Gore & Associates v. Garlock, Inc.*, 721 F.2d 1540, 220 USPQ 303, 313 (Fed. Cir. 1983) (citing *Soundsciber Corp. v. United States*, 360 F.2d 954, 960, 148 USPQ 298, 301 (Ct. Cl.), *adopted*, 149 USPQ 640 (Ct. Cl. 1966)), *cert. denied*, 469 U.S. 851 (1984). Thus, to anticipate the Appellants' claims, either *Strandwitz* or *Mann* must disclose each element of the respective claims that they are being recited for. "There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention." *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ 2d 1001, 1010 (Fed. Cir. 1991).

To overcome the anticipation rejection, the Appellants need only demonstrate that not all elements of a *prima facie* case of anticipation have been met, *i. e.*, show that *Strandwitz* or *Mann* fails disclose every element in each of the Appellants' claims associated with the relevant reference used for their rejection. "If the examination at the initial state does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of the patent." *In re Oetiker*, 977 F.2d 1443, 24 USPQ 2d 1443, 1444 (Fed. Cir. 1992).

APPELLANTS ARGUMENT REGARDING ISSUE #1 - CONSOLIDATED ARGUMENT IN SUPPORT OF PATENTABILITY OF GROUPS I-II and IV-VI:

Claims 1-8, 10-15 and 36 (Group I), 16 and 37 (Group II), 19, 21-25, 27, 28, 30-32 and 39 (Group IV), 33 (Group V), and 34 (Group VI) are patentable over Strandwitz.

Independent claim 1, 16, 19, 33 and 34 are separate and stand or fall apart from each other.

Claims 1, 16, 19, 33 and 34, as amended on June 10, 2004, and entered by the USPTO, read as follows:

1. A method for receiving *venue-based data* at a *hand held device*, said method comprising the steps of:

wirelessly receiving data at a *hand held device* said *data including video streaming simultaneously from more than one visual perspective within an entertainment venue* and transmitted from at least one venue-based data source at the *entertainment venue*;

processing said data for display on a display screen associated with said hand held device; and

displaying said data on said display screen.

16. A method for wirelessly receiving *venue-based data* at a *hand held device*, said method comprising the steps of:

wirelessly receiving at a *hand held device data including more than one video perspective streaming simultaneously from more than one video camera located within an entertainment venue*, said data;

processing said data for display on a display screen associated with said hand held device; and

displaying the data on said display screen.

19. A *hand held device* adapted for *simultaneously receiving more than one video perspective captured by more than one video camera located within an entertainment venue*, comprising:

at least one *receiver* adapted for *simultaneously receiving more than one video perspective*;

a *processor* adapted for *processing said more than one video perspective for simultaneous display of at least two video perspectives on a display screen associated with said hand held device*; and

a display screen adapted for displaying the at least two video perspectives.

33. A system for wirelessly receiving venue-based data including at more than one video stream form more than one visual perspective within an entertainment venue at a hand held device, said system comprising:

a receiver adapted for wirelessly receiving data at a wireless hand held device including more than one video stream from more than one visual perspective transmitted from more than one venue-based data source at the entertainment venue;

a processor adapted to process said venue-based data for display at said hand held device; and

a display screen adapted for simultaneously displaying the venue-based data processed by the processor, wherein said display screen is associated with said hand held device, thereby enabling a user of said hand held device to view the more than one video stream.

34. A system for receiving more than one video perspective of a venue-based activity at a hand held device, said system comprising a hand held device including:

at least one receiver for simultaneously receiving more than one video perspective of a venue-based activity simultaneously transmitted from more than one venue-based video data source; and

a processor adapted to process said more than one video perspective for display on a display screen associated with said hand held device.

In rejecting independent claims 1, 16, 19, 33 and 34, The Examiner argues that "Strandwitz discloses a method for receiving venue-based data at a hand held device." The Examiner relies on figure 7 of Strandwitz as the basis for his argument. Figure 7 from Strandwitz is shown below:

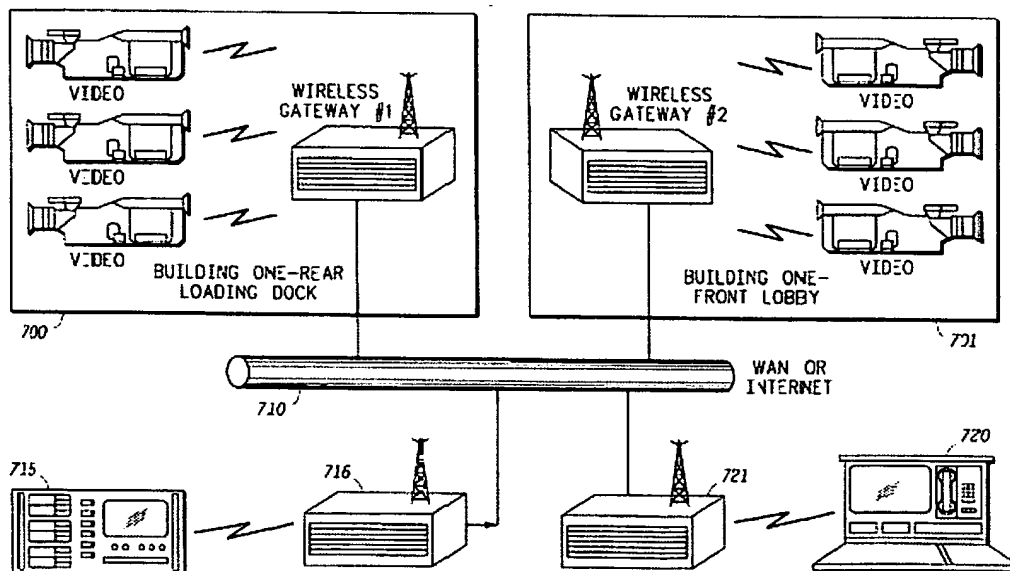


FIG. 7

The Examiner identifies item 715 as a hand held device, and environments 700 and 701 as entertainment venues. Item 715 clearly is not a hand held device. A close look at the device referred to as "hand held" by examiner is more akin to an electronic device that can be moved with the two handles illustrated at each side of the front panel shown therein. *Strandwitz* certainly does not teach a hand held device as described by Appellants. Item 715 appears in illustration to be more of a table top or rack mounted electronic device not likely to be held in a user's hand for use at the user's seat in an entertainment venue such as football stadiums, soccer stadiums, boxing arenas, wrestling arenas, car racing stadiums, horse racing stadiums, golf courses and concert halls.

Examiner refers again to *Strandwitz's* Figure 7, items 700 and 701 as the teaching "entertainment venues." Environments 700 and 701 are clearly rear and lobby perspectives of a building under observation limited to security personal for "campus security" purposes. The example shown in *Strandwitz's* figure 7 is referred to as an example of "a campus security system" by the *Strandwitz* reference's very own admission at Column 10, line 23. Environment 700 depicts security monitoring of the rear of "Building One". Environment 701 depicts security monitoring at the "Front Lobby" of "Building One". According to *The American Heritage® Dictionary of the English Language, Fourth Edition*, "Entertainment" is defined as:

1. The act of entertaining.
2. The art or field of entertaining.
3. Something that amuses, pleases, or diverts, especially a performance or show.
4. The pleasure afforded by being entertained; amusement: *The comedian performed for our entertainment.*

Appellants question what is the "entertainment" value taught or described by *Strandwitz*?

Examiner erred by maintaining that *Strandwitz* discloses methods or systems receiving video streaming simultaneously from more than one visual perspective within a "security 'entertainment' venue" or "security building 'entertainment' venue". As shown above in *Strandwitz's* figure 7, the environment depicted therein

is clearly that of a building being observed only for security purposes. In fact the only application taught in *Strandwitz* is in the field of conducting "physical security." For most people, including those skilled in the ordinary art, security monitoring of property is not entertainment. Entertainment (e.g., a football game or a concert) and security (e.g., a security guard watching monitors showing camera images taken at fixed points around a building) are two very different fields of use to most people including the skilled in the art.

Finally, despite Examiners reference to simultaneous video in the office action, *Strandwitz* does not teach or suggest viewing of simultaneous video on a hand held device. Examiner has not specifically pointed out where in the *Strandwitz* reference that simultaneous video monitoring is taught or described. Appellants, by contrast to *Stradwitz*, specifically show within their FIG. 7 how simultaneous video can be shown on a display screen of a hand held device for selection of a single image by a user.

In summary, *Strandwitz* does not teach, or even suggest, enabling a user of a "hand held device" with the ability to simultaneously receive and view video perspectives from more than one video perspective of an "entertainment venue". Also, *Strandwitz* is directed to an entirely different field of use than entertainment. *Strandwitz* is directed to a "security" device used for "security monitoring" of property, but does not teach use of equipment for "entertainment" purposes.

Based on the foregoing, the Appellants submit that the rejection to the claims belonging to GROUPS I, II, IV, V and VI under 35 U.S.C. § 102(e) based on *Strandwitz* fails to meet all the elements of a *prima facie* case of anticipation. First, *Strandwitz* does not disclose each element of any one of Appellants' independent claims 1, 16, 19, 33 and 34 as defined and supported by Appellants' specification. A person of ordinary skill in the field of the invention would see the above-identified differences between the claimed invention and *Strandwitz*.

For the foregoing reasons, independent claims 1, 16, 19, 33 and 34 and the respective claims that depend there from should have been allowed by the examiner. Appellants now pray for reversal of the examiner and instruction to allow the rejected claims. Appellants therefore respectfully request reversal of the rejection to the claims belonging to Groups I, II, IV, V and VI.

**APPELLANTS ARGUMENT REGARDING ISSUE #2 - CONSOLIDATED
ARGUMENT IN SUPPORT OF PATENTABILITY OF GROUP III and VII CLAIMS:**

Claims 17 and 38 (Group III), and 35 and 40 (Group VII) are patentable over Mann.

Independent claim 17 and 35 are separate and stand or fall apart from each other.

Claims 17 and 35, as amended on June 10, 2004, and entered by the USPTO, read as follows:

17. A method for receiving at least one perspective of a *venue*-based activity at a *hand held device*, said method comprising the steps of:

simultaneously receiving at a hand held device more than one video perspective of a venue-based activity transmitted from at least one venue-based data source at an *entertainment venue*;

processing said at least one perspective for simultaneous display on a touch-sensitive display screen associated with said hand held device;

displaying said more than one perspective on said display screen, thereby enabling a user of said hand held device to simultaneously view more than one venue-based perspectives through said hand held device; and

displaying a particular perspective on said display screen in response to a user's selection of said particular perspective from among said plurality of perspective by touching the touch-sensitive display screen where it overlays the particular perspective.

35. A system for displaying a particular video perspective of a *venue*-based activity at a *hand held device*, said method comprising:

at least one *receiver simultaneously receiving at a hand held device a plurality of video perspectives of a venue-based activity simultaneously transmitted from more than one venue-based data source located at an entertainment venue*;

a *processor processing said plurality of perspectives for display on a display screen associated with said hand held device*; and

a *display screen displaying a particular video perspective on said display screen in response to a user selection of said particular video perspective from among said plurality of video perspectives*.

Independent claims 17 and 35 stand rejected under 35 U.S.C. 102(b) as being anticipated by Mann (CA 2,237,939). Rejecting claim 17, the examiner states that "Mann discloses a method for receiving at least one perspective of a venue based activity at a hand held device." Examiner cites to figure 1 and item #100 in Mann. Examiner argues that "Mann discloses simultaneously receiving at a hand held device more than one video perspective of a venue-based activity transmitted from at least one venue-based data source at an entertainment venue . . . processing the more than one perspective for simultaneous display on a touch-sensitive display screen associated with said hand held device . . . displaying said more than one perspective on said display screen . . . and [] displaying a particular perspective on said display screen in response to a user's selection of said particular perspective from among said plurality of perspectives by touching the touch-sensitive display screen where it overlays the particular perspective." Examiner cites to the Abstract, Figure 1, item 100 in Figure 1, and page 11, second paragraph, and page 12, first paragraph through page 13, first paragraph, as support for his arguments.

Mann actually teaches a device useful in the field of investigative journalism because it enables journalists to record notes and capture video of an interviewed subject simultaneously. For most people, including those skilled in the ordinary art, working as a journalist to secure notes and video of an interviewed subject is likely a rewarding job or profession — but the process and tools of conducting this work is not what one would normally define as "entertainment" and certainly not entertainment within the scope and meaning of Appellants' specification.

Entertainment resulting from a journalist's use of the Mann device would be provided much later in the journalism process after captured data is converted into an edited story and is presented on television or in a video demonstration for the public to view and finally become "entertained" by the recorded and edited data. The entertainment at the end of the journalism process is never "live", or provided in "real-time" because of editorial requirements. Live "entertainment" (e.g., a football game) and the work of a journalism (e.g., recording data for a later story) are two very different fields of use to most people including the skilled.

Nevertheless, Mann also independently fails as a reference against Appellants' claims for the following reasons.

Mann's FIGURE 1, copied below, illustrates a hand held device 100 that would be used by the journalist includes a camera 110 and notepad 130 integrated into the hand held device 100. The hand held device 100 can simultaneously record video of an interviewed subject while the interviewer uses the notepad 130 to record written notes on the device about the subject.

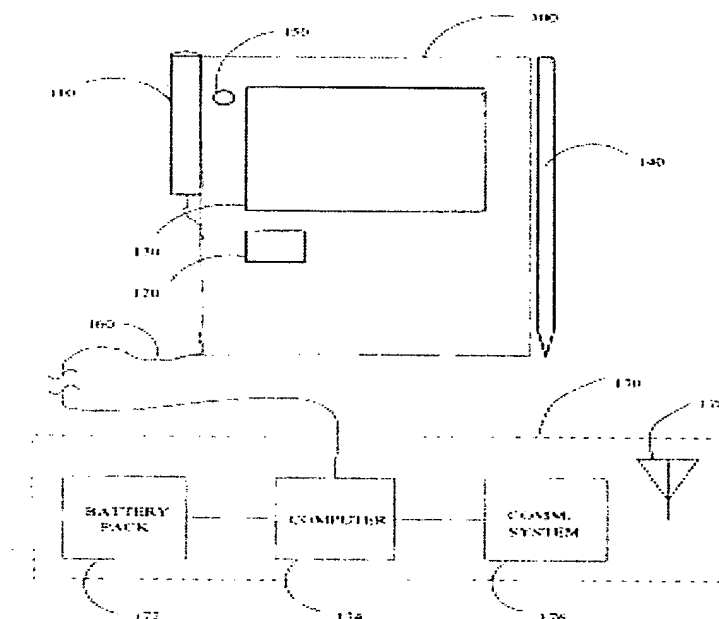


FIGURE 1. FDA-BASED VIDEO RECORDING/ANNOTATION SYSTEM

Mann leaves open the possibility of integrating two (2) cameras into the system so that video of the subject and the journalist can be recorded simultaneously with the recorded notes. This is what is referred to in the text cited by the Examiner in pages 11 and 12 of Mann. But the Mann concept still does not teach what Appellants claims with respect to (claim 17):

simultaneously receiving at a hand held device more than one video perspective of a venue-based activity transmitted from at least one venue-based data source at an entertainment venue

processing said at least one perspective for simultaneous display on a touch-sensitive display screen associated with said hand held device

displaying said more than one perspective on said display screen, thereby enabling a user of said hand held device to simultaneously view more than one venue-based perspectives through said hand held device; and

displaying a particular perspective on said display screen in response to a user's selection of said particular perspective from among said plurality of perspective by touching the touch-sensitive display screen where it overlays the particular perspective.

The Mann device is not taught to have (claim 35):

at least one receiver simultaneously receiving at a hand held device a plurality of video perspectives of a venue-based activity simultaneously transmitted from more than one venue-based data source located at an entertainment venue;
a processor processing said plurality of perspectives for display on a display screen associated with said hand held device; and
a display screen displaying a particular video perspective on said display screen in response to a user selection of said particular video perspective from among said plurality of video perspectives.

In summary, Mann does not teach Appellants method 17 and device 35. Mann does not teach viewing of simultaneous video on a hand held device. Mann does not teach a user's ability to select only one video perspective for viewing from more than one video perspective from an entertainment venue being simultaneous viewed as video on the display associated with a hand held device. Finally, Mann is directed to an entirely different field of use than live entertainment, although the end product of data can be used for entertainment at a much later time (after the data is edited for a publishable story). Mann is directed to journalism tools and methods, not providing live entertainment venue video to hand held carrying fans in football stadiums, soccer stadiums, boxing arenas, wrestling arenas, car racing stadiums, horse racing stadiums, golf courses and concert halls.

For the foregoing reasons, independent claims 17 and 35 and the respective claims that depend there from should have been allowed by the examiner. Appellants now pray for reversal of the examiner and instruction to allow the rejected claims. Appellants therefore respectfully request reversal of the rejection to the claims belonging to Groups III and VII.

SUMMARY OF ARGUMENTS AND CONCLUSION

The following Appendix (IX) provides a listing of the appealed claims.

The appealed claims are not taught by either Strandwitz or Mann.

Appellants respectfully submit that their arguments as well as the specification and prosecution record support that claims 1, 16, 17, 19, 33, 34 and 25 are independently allowable. Furthermore, Appellants submit that claims 2-8, 10-15, 21-25, 27-28, 30-32 and 36-40 are allowable given their dependence upon their respective independent claims that have been shown to be allowable.

The independent claims of the appealed application are not anticipated by Standwitz or Mann alone, Appellants now respectfully request that the Board reverse the rejections of claims 1-8, 10-17, 19, 21-25, 27-28, and 30-40 and instruct the Examiner to allow claims 1-8, 10-17, 19, 21-25, 27-28, and 30-40.

Respectfully submitted,

Dated: September 7, 2005

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IX. APPENDIX

1. A method for receiving venue-based data at a hand held device, said method comprising the steps of:

wirelessly receiving data at a hand held device said data including video streaming simultaneously from more than one visual perspective within an entertainment venue and transmitted from at least one venue-based data source at the entertainment venue;

processing said data for display on a display screen associated with said hand held device; and

displaying said data on said display screen.

2. The method of claim 1 wherein said at least one venue-based data source comprises at least one video camera.

3. The method of claim 2 wherein said at least one video camera is adapted to provide high-resolution wide-angle video data.

4. The method of claim 1 wherein the step of receiving at a hand held device data transmitted from at least one venue-based data source, further comprises the step of:

receiving through at least one wireless receiver at said hand held device, data transmitted from said at least one venue-based data source.

5. The method of claim 4 further comprising the step of:

broadcasting said data to said hand held device through wireless communications.

6. The method of claim 1 further comprising the step of:

transmitting said data from said at least one venue-based data source to said hand held device through a wireless network.

7. The method of claim 3 further comprising the step of:

transferring said data through a wireless gateway associated with said wireless network.

8. The method of claim 1 wherein the step of displaying processed data on said display screen, further comprises the step of:

displaying processed data on said display screen, in response to user input through a user interface associated with said hand held device.

10. The method of claim 1 wherein the step of displaying processed data on said display screen, further comprises the step of:

displaying a particular perspective of said venue-based activity on said display screen, in response to a user selection of said particular perspective of said venue activity from more than one video perspective display on said display.

11. The method of claim 1 further comprising the step of:

processing said data for display on said display screen utilizing at least one image-processing module.

12. The method of claim 1 wherein said data includes venue-based data comprising real-time video data of the more than one video stream from more than one video camera located within the venue.

13. The method of claim 1 wherein said data includes instant replay video from more than one video perspective.

14. The method of claim 1 wherein said data further comprises promotional information.

15. The method of claim 1 wherein said data further comprises advertising information.

16. A method for wirelessly receiving venue-based data at a hand held device, said method comprising the steps of:

wirelessly receiving at a hand held device data including more than one video perspective streaming simultaneously from more than one video camera located within an entertainment venue, said data;

processing said data for display on a display screen associated with said hand held device; and

the data on said display screen.

17. A method for receiving at least one perspective of a venue-based activity at a hand held device, said method comprising the steps of:

simultaneously receiving at a hand held device more than one video perspective of a venue-based activity transmitted from at least one venue-based data source at an entertainment venue;

processing said at least one perspective for simultaneous display on a touch-sensitive display screen associated with said hand held device;

displaying said more than one perspective on said display screen, thereby enabling a user of said hand held device to simultaneously view more than one venue-based perspectives through said hand held device; and

displaying a particular perspective on said display screen in response to a user's selection of said particular perspective from among said plurality of

perspective by touching the touch-sensitive display screen where it overlays the particular perspective.

19. A hand held device adapted for simultaneously receiving more than one video perspective captured by more than one video camera located within an entertainment venue, comprising:

at least one receiver adapted for simultaneously receiving more than one video perspective;

a processor adapted for processing said more than one video perspective for simultaneous display of at least two video perspectives on a display screen associated with said hand held device; and

a display screen adapted for displaying the at least two video perspectives.

21. The system of claim 19 wherein at least one of said more than one video camera is adapted to provide high-resolution wide-angle video data.

22. The system of claim 19 wherein at least one of said more than one video camera comprises a wireless video camera.

23. The system of claim 19 further comprising:

at least one transmitter adapted for broadcasting said data from said at least one venue-based data source to at least one hand held device.

24. The system of claim 23 further comprising:

a wireless gateway adapted for transferring said data through a wireless network.

25. The system of claim 19 wherein video is displayable on said display screen, in response to user input through a user interface associated with said hand held device.

27. The system of claim 19 further comprising:

a display routine adapted for displaying a particular perspective of said venue-based activity on said display screen, in response to a user selection of said particular perspective of said venue activity.

28. The system of claim 19 further comprising:

a processor adapted for processing said at least two video perspectives for simultaneous display on said display screen associated with said hand held device utilizing at least one image-processing module.

30. The system of claim 19 wherein said at least two video perspective includes at least one instant replay video data.

31. The system of claim 19 wherein said hand held device is further adapted to receive promotional information.

32. The system of claim 19 wherein said hand held device is further adapted to receive advertising information.

33. A system for wirelessly receiving venue-based data including at more than one video stream from more than one visual perspective within an entertainment venue at a hand held device, said system comprising:

a receiver adapted for wirelessly receiving data at a wireless hand held device including more than one video stream from more than one visual perspective transmitted from more than one venue-based data source at the entertainment venue;

a processor adapted to process said venue-based data for display at said hand held device; and

a display screen adapted for simultaneously displaying the venue-based data processed by the processor, wherein said display screen is associated with said hand held device, thereby enabling a user of said hand held device to view the more than one video stream.

34. A system for receiving more than one video perspective of a venue-based activity at a hand held device, said system comprising a hand held device including:

at least one receiver for simultaneously receiving more than one video perspective of a venue-based activity simultaneously transmitted from more than one venue-based video data source; and

a processor adapted to process said more than one video perspective for display on a display screen associated with said hand held device.

35. A system for displaying a particular video perspective of a venue-based activity at a hand held device, said method comprising:

at least one receiver simultaneously receiving at a hand held device a plurality of video perspectives of a venue-based activity simultaneously transmitted from more than one venue-based data source located at an entertainment venue;

a processor processing said plurality of perspectives for display on a display screen associated with said hand held device; and

a display screen displaying a particular video perspective on said display screen in response to a user selection of said particular video perspective from among said plurality of video perspectives.

36. The method of claim 1 wherein said entertainment venue includes at least one of a: football stadium, soccer stadium, boxing arena, wrestling arena, car racing stadium, horse racing stadium, golf, concert hall.

37. The method of claim 16 wherein said entertainment venue includes at least one of a: football stadium, soccer stadium, boxing arena, wrestling arena, car racing stadium, horse racing stadium, golf, concert hall.

38. The method of claim 17 wherein said entertainment venue includes at least one of a: football stadium, soccer stadium, boxing arena, wrestling arena, car racing stadium, horse racing stadium, golf, concert hall.

39. The method of claim 19 wherein said entertainment venue includes at least one of a: football stadium, soccer stadium, boxing arena, wrestling arena, car racing stadium, horse racing stadium, golf, concert hall.

40. The method of claim 35 wherein said entertainment venue includes at least one of a: football stadium, soccer stadium, boxing arena, wrestling arena, car racing stadium, horse racing stadium, golf, concert hall.